

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

VICTOR ANTONIO ALVAREZ HARO,

Defendant.

NO. CR18-183 RAJ

ORDER CONTINUING TRIAL DATE

This matter comes before the Court on the motion of the government, which has been opposed in part by Defendant Victor Antonio Alvarez Haro, to continue the trial in this matter. Having considered the motion, Defendant's response, all the files and records herein, and having heard from the parties at a hearing held on this date, the Court finds and rules as follows:

The facts supporting continuing the trial and excluding the consequent delay are set forth in the Motion to Continue, incorporated by this reference, and include the following: (a) the large number of defendants charged in the related conspiracy; (b) the nature of the prosecution, which includes wiretaps over multiple phone lines and investigations in numerous districts; and (c) the volume of discovery produced, and still to be produced.

1       THIS COURT FINDS, pursuant to Title 18, United States Code, Section  
2 3161(h)(7)(B)(i) and (ii), for the reasons stated on the record, that it is unreasonable to  
3 expect adequate preparation by the parties for pretrial proceedings or for the trial itself by  
4 the current trial date.

5       THE COURT THEREFORE FINDS that failure to grant the continuance in this  
6 case would result in a miscarriage of justice, because failing to continue this matter for a  
7 considerable period of time would deny counsel for the parties the reasonable time  
8 necessary for effective preparation, due to defense counsels' need for more time to review  
9 the considerable volume of discovery and evidence produced, and still to be produced, and  
10 to consider possible defenses and motions, taking into account the exercise of due  
11 diligence.

12       THE COURT FINDS, in light of these factors, that it is unlikely that the parties can  
13 be reasonably ready to try this matter before October 29, 2018.

14       THIS COURT FINDS, pursuant to Title 18, United States Code, Section 3161(h)(6)  
15 and (7), that this is a reasonable period of delay in that the parties have indicated they  
16 require more time to prepare for trial. The Court finds that for the reasons stated on the  
17 record that more time is, in fact, necessary.

18       THIS COURT FINDS, therefore, that pursuant to Title 18, United States Code,  
19 Sections 3161(h)(6) and 3161(h)(7), the ends of justice will best be served by a  
20 continuance, and that they outweigh the interests of the public and the defendant in a speedy  
21 trial.

22       THIS COURT FURTHER FINDS that all of the additional time requested between  
23 the date of this Order and the new trial date of October 29, 2018, is necessary to provide  
24 counsel the reasonable time necessary to prepare for trial.

25       NOW, THEREFORE, IT IS HEREBY ORDERED that the Government's Motion  
26 to Continue Trial Date and Pretrial Motions Deadline (Dkt. #16) is GRANTED IN PART.  
27 The trial in this matter is continued to October 29, 2018, at 9:00 a.m.

1 IT IS FURTHER ORDERED that the time between the date of this Order and the  
2 new trial date of October 29, 2018, is excluded in computing the time within which a trial  
3 must be held pursuant to Title 18, United States Code, Section 3161, et seq.

4 IT IS FURTHER ORDERED that the parties shall appear at a status hearing on  
5 October 12, 2018, at 10:00 a.m. in Courtroom 13106.

6 DATED this 27th day of September, 2018.

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9 The Honorable Richard A. Jones  
10 United States District Judge  
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